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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,816	01/14/2004	Billy B. Edwards	27475/05282	1815
24024	7590	12/05/2006	EXAMINER	
CALFEE HALTER & GRISWOLD, LLP 800 SUPERIOR AVENUE SUITE 1400 CLEVELAND, OH 44114			GALL, LLOYD A	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 12/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/707,816

Applicant(s)

EDWARDS ET AL.

Examiner

Lloyd A. Gall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 14-16, 18, 19, 22 and 24-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 14-16, 18, 19, 22 and 24-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2004 and 14 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/20/06.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Claims 4, 14, 25 and 27-29 are objected to because of the following informalities:

In claim 4, line 10, "members" (plural) should be replaced with --member--. In claim 4, line 12, "member" should be replaced with --members--. In claim 14, line 2, "side wall" should be replaced with --sidewall-- (one word). In claim 25, line 2, "sidebar spring" should be replaced with --one or more sidebar springs--. In claim 27, line 2, claim 28, line 1 and claim 29, line 1, "sidebars" should be replaced with --sidebar members--. Appropriate correction is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8, 22, 24, 25, 27 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 15-16 and claim 4, lines 18-19, it is not clear in what sense the engagement of the at least one sidebar member and the projection "prevents engagement" of the plurality of tumblers and the tumbler cavity. As seen in fig. 6 of the instant application, when a sidebar engages a projection 188, the tumblers already occupy the tumbler cavity 184 as seen at the bottom of fig. 6. Accordingly, independent claims 1 and 4 and the claims which depend therefrom are not clear.

In view of the above rejection under 35 USC 112, second paragraph, claims 1-8, 22, 24, 25, 27 and 28 are rejected as best understood, on prior art, as follows.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10, 14-16, 18, 19 and 22 (as best understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over Kasper (154) in view of Raymond et al (413) and Spain (268).

Kasper teaches a lock shell 19 having a cavity 31 as seen in fig. 1 to rotatably receive a key cylinder 23, the lock cylinder is removable and can rotate between locked and unlocked positions, a plurality of tumblers 20 (see USPN 4,635,455 referred to in column 5, line 18 of Kasper) cooperable with a sidebar 38, wherein the key cylinder is only removable when it is rotated by retracting the sidebar to its unlocking position and rotatably disengaging portions 34, 35 of the cylinder of Kasper from the groove 32 of the shell. The sidebar 38 of Oliver which is used by Kasper engages a sidewall cavity. With respect to claims 3, 6 and 7, Oliver also teaches at least four tumblers 20, and any one of those tumblers 20 may be regarded as a shell locking tumbler. The Kasper reference utilizing the sidebar of Oliver does not teach a sidebar cooperating with a projection at the mouth of a sidewall cavity. Raymond et al (413) teaches a sidebar lock which uses a plurality of plate tumblers 50 for engaging a portion 52 of the shell, and a sidebar 16. Spain (268) teaches at least four spring-biased 53 plate tumblers 57 cooperable with a sidebar 32, which sidebar engages two angled projections at the corners of the mouth of the sidewall cavity, as seen in fig. 3, and wherein the sidebar

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includes a spring 39 which forces the sidebar towards the tumblers. It would have been obvious to modify the tumblers and sidebar of the removable lock cylinder of Kasper (which utilizes the Oliver reference) to include plate tumblers which engage a portion of the shell and cooperates with a sidebar (spring-biased towards the tumblers) engageable with at least one projection (two of Spain) at the mouth of a sidewall cavity, in view of the respective teachings of Raymond et al and Spain (268), the motivation being to prevent picking of the lock by attempting to draw in the sidebar from the sidewall cavity with picking tools. Any tumbler of the modified lock of Kasper may be regarded as a shell locking tumbler.

Claims 24-26 (as best understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over Kasper (which relies on Oliver) in view of Raymond et al (413) and Spain (268) as applied to claims 1, 4 and 9, respectively above, and further in view of Richter (115).

Richter teaches that it is well known in the lock/sidebar art to include a tumbler spring bias which is stronger than a sidebar spring bias, as set forth on page 3, lines 47-50. It would have been obvious to modify the lock of Kasper as modified by Raymond et al and Spain, such that the tumbler spring bias is stronger than the sidebar spring bias, in view of the teaching of Richter, the motivation being to ensure that the tumblers must first be actuated to allow sidebar movement, to optimize pick resistance of the lock, as is well known in the tumbler/sidebar lock art.

Claims 27-29 (as best understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over Kasper (which relies on Oliver) in view of Raymond et al (413) and

Spain (268) as applied to claims 1, 4 and 9, respectively above, and further in view of an additional teaching of Raymond et al (413).

In fig. 6, Raymond teaches that it is well known to provide a sidebar tolerance (at 18) as being smaller than a tolerance between a tumbler 50 and the cavity 54 of the lock shell. It would have been obvious to modify the lock of Kasper as modified by Raymond et al and Spain, such that the sidebar tolerance is smaller than the tumbler tolerance with the lock shell, in view of the additional teaching of Raymond et al, the motivation being to optimize the pick resistance of the lock.

Applicant's arguments filed September 25, 2006 have been fully considered but they are not persuasive. Applicant's remarks at the top of page 9 are not understood, as reflected in the rejection under 35 USC 112, second paragraph, as set forth above. Applicant's remarks are also not clear in what sense independent claim 9 overcomes the prior art rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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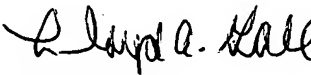
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LG LG
December 4, 2006


Lloyd A. Gall
Primary Examiner